

**COMMITTEE ON GOVERNMENT ASSURANCES  
(2002-2003)**

THIRTEENTH LOK SABHA

TENTH REPORT

(Request for Dropping of Assurances)

(Presented to Lok Sabha on December 04, 2002)



LOK SABHA SECRETARIAT  
NEW DELHI

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**Composition of the committee on government assurances\***  
**(2002-2003)**

**Chairman**

Dr. S. Venugopal

**Members**

2. Shri E.Ahamed
- 3.\*\* Shri Padam Sen Choudhry
4. Shri Priya Ranjan Dasmunsi
5. Adv. Uttamrao Dhikale
6. Dr. S. Jagathrakshakan
7. Shri Brahma Nand Mandal
8. Shri Ramjee Manjhi
9. Shri Sudarsana E.M. Natchiappan
10. Shri Rupchand Pal
11. Shri Kishan Singh Sangwan
12. Shri Raghuraj Singh Shakya
13. Shri Bahadur Singh
14. Rajkumari Ratna Singh
15. Shri Tarlochan Singh Tur

**Secretariat**

1. Shri P.D.T. Achary - Additional Secretary
2. Shri R.C. Gupta - Director
3. Ms. J.C. Namchyo - Assistant Director

\* The Committee was nominated by the Speaker w.e.f. January 16, 2002 vide Para No.2528 of Lok Sabha Bulletin Part-II dated January 16, 2002

\*\* Nominated to the Committee on August 12, 2002 by the Speaker as published vide Para No.3145 of Lok Sabha Bulletin Part-II dated August 12, 2002 vice Shri S.B.P.B.K. Satyanarayana Rao resigned.

## **INTRODUCTION**

I, the Chairman of the Committee on Government Assurances, having been authorised by the Committee to submit the Report on their behalf, present this Report of the Committee on Government Assurances.

The Committee (2002-2003) was constituted on January 16, 2002.

The Committee (2001-2002) at their sitting held on July 17, 2001, considered inter-alia Memoranda Nos.18, 19 20, 21, 22, 23, 24 & 25 containing requests received from the Ministries/Departments of the Government of India for dropping of pending assurances.

At their sitting held on 26.09.2002, the Committee (2002-2003) considered and adopted their Tenth Report. The Minutes of the aforesaid sitting of the Committee form part of this Report. (Appendix)

The conclusions/observations of the Committee are contained in this Report.

NEW DELHI;  
November 08, 2002

DR. S. VENUGOPAL  
Chairman  
Committee on Government Assurances

## CHAPTER – I

### (i) VOLUNTARY ORGANISATIONS

1.1 On May 06, 1997, Shri Sohan Veer Singh, MP addressed the following Unstarred Question No.4790 to the Minister of Environment and Forests:-

“(a) the number of Voluntary Organisations working for the development of environment and protection of wild life in the country, State-wise;

(b) the financial assistance provided to those organisations by the State and Central Government during each of the last three years along with the names of organisations;

(c) whether the Government have received complaints regarding the misuse of funds by these organisations; and

(d) if so, the details thereof and the action taken thereon?”

1.2 In reply, the then Minister of Environment and Forests (Prof. Saifuddin Soz) stated as follows:-

“(a), (b), (c) & (d): The information is being collected and will be laid on the Table of the House.”

1.3 The above reply was treated as an assurance and was required to be fulfilled by the Ministry of Environment and Forests within three months of the date of the reply i.e. by August 05, 1997.

1.4 The Ministry of Environment and Forests vide their F.No.7/6/97-E.E dated May 21, 1998 forwarded a request for dropping of the assurance on the following grounds:-

“The information asked for by the Hon’ble Member of Parliament, was required to be called from all the State/Union Territory Governments.

Accordingly all the State/Union Territory Governments were requested to provide the information. In spite of Ministry’s best efforts, information has still not been received from 11 States/UTs. Even in those cases where the States/UTs have responded, the information furnished by them cannot be considered as complete. Since the ‘Voluntary Organisations’ working for the development of environments and protection of Wildlife in the country are not obliged to register themselves with the State or the Central Government, it is very difficult to provide exact number of organisations. In so far as details regarding financial assistance to these organisations are concerned, the Ministry of Environment and Forests itself provides financial assistance to thousands of Voluntary Organisations every year under its various Programmes like National Environment Awareness Campaign, Eco-clubs, Grants-in-aid to Professional Societies, Seminars/Symposia/Workshops, Environmental Information System etc. Besides this, the States/Union Territories also provide financial assistance to these organisations.

While on the one hand it is almost impossible to provide exact information about the number of organisations working in these areas of activities, the information regarding financial assistance provided to each of these Organisations during the last three years would run into several thousands of pages. It is obvious that the efforts needed to compile the information for fulfilment of assurance will not be commensurate with the results.”

1.5 The request was considered by the Committee at their sitting held on September 01, 1998 but the request was not acceded to by the Committee. The Committee, however, desired to have the status report with reference to the efforts made in collecting information from States and Union Territories.

1.6 The Ministry of Environment and Forests forwarded the status report as on December 09, 1998 which is as under:-

“In regard to the Lok Sabha Unstarred Question No.4790 due for answer on 06.05.1997 regarding the Voluntary Organisations, the Ministry of Environment & Forests took an assurance of the aforesaid question since the information pertaining to the question was to be collected not only from the various divisions of the Ministry and its associates offices, but also from all State Governments & UTs. Various

State Governments/UTs were to provide the detailed information for financial assistance given by them to various voluntary organisations during the last three years which are working for the development of environment and protection of wildlife in the country.

In spite of the reminders given to the all State Governments/UTs dated 15.05.97, 11.07.97, 01.10.97, 17.11.97, and 21.01.98, the Ministry was unable to get the information from all State Governments/UTs for the fulfillment of the assurance. After the above reminders, information from 11 States has not been received as on date. It could also be mentioned that the States which have responded have also not provided the full information required to fulfill the assurance. It would not be out of the way to mention here that besides the State Governments, financial assistance to voluntary organisations is also provided by the Ministry of Environment and Forests under its various programmes like, National Environment Awareness Campaign (NEAC), Eco-clubs, Grants-in-Aid to Professional Societies, Seminars/Symposia/Workshops, ENVIS etc. The total list of such voluntary organisations for 1996-97 comes to about 1000 pages for the Ministry only. In addition to that, the list for 97-98 and 98-99 is also to be provided alongwith the list of all State Governments and UTs. The information contents in regard to the fulfillment of the assurance is expected to be in several thousand pages, if all the State Governments provide the requisite information in details in respect of the aforesaid question.

Keeping in view of the non-availability of detailed information from all State Government/UTs and the volume of the information contents required to fulfill the assurance, the Ministry with the approval of Hon'ble Minister of Environment & Forests, requested the Ministry of Parliamentary Affairs to drop the assurance. While on one hand it is almost the number of organisations working in the areas of activities mentioned above, it would be difficult on the other hand to get the detailed information from all State Governments/UTs to compile the total information package to fulfill the assurance.

It may, therefore, be seen that the information needed for fulfilment of the assurance will not commensurate with the efforts needed to compile such information.

In view of the position explained and the remote chances of getting the exact information from all State Governments/UTs it would be practically difficult to fulfill the aforesaid assurance. Lok Sabha Secretariat could kindly reconsider the situation and adhere to the request of the Ministry for dropping the assurance.”

1.7 The Ministry of Parliamentary Affairs vide their U.O. No.IV/E&A(31) USQ 4790-LS/97 dated August 04, 2000 forwarded yet another request of the Ministry of Environment & Forests for dropping of the assurance on the same plea as mentioned in their Status Report. As per their OM No.7/6/97-EE dated July 11, 2001, the Status in collecting the information from various States remained the same and even information received from eleven States/UTs was also not complete in all respect for the fulfilment of the assurance.

1.8 The request was again considered by the Committee at their sitting held on July 17, 2001. The Committee, however, did not agree to drop the assurance.

1.9 The Committee note that the assurance given in reply to a question on May 06, 1997 was to collect and furnish information in respect of Voluntary Organisations which were getting financial assistance from the States and the Union Government for the development of environment and protection of wild life as also to provide information as to whether any complaint of misuse of funds by such Organisations was received by the Government. The Ministry of Environment & Forests, however, have not been able to collect information even after 5 years. The Committee are concerned to note the plea of the Ministry of Environment & Forests that the Voluntary Organisations working for the development of environment and protection of wildlife in the country are not obliged to register themselves with the State or the Central Government. As a result, the Ministry are not in a position to provide exact number of organisations. The Ministry have further pleaded that they provide financial assistance to thousands of voluntary organisations every year under its various programmes and that State Governments have also been providing financial assistance to these voluntary organisations. In such a situation, the information sought would run into several thousands of pages which in their opinion will not commensurate with the efforts needed to compile such information.

1.10 Whereas the Ministry of Environment & Forests have admitted that they provide financial assistance to thousands of voluntary organisations every year under its various programmes like National Environment Awareness Campaign, Eco-clubs, Grants-in-Aid to professional societies, seminars/symposia/workshops and Environmental information system etc., the plea of the Ministry that the voluntary organisations working for the development of environment and protection of wildlife are not obliged to register themselves is not acceptable to the Committee as the particulars of all the organisations receiving financial aid should have been available either with the Ministry or with the State Governments. In the opinion of the Committee it should be mandatory on the part of the Ministry to have the particulars of the voluntary organisations to check their credential as also to see whether the financial aid given to such organisations are properly utilized. Under these circumstances, the Ministry of Environment & Forests are liable to furnish the requisite information to Parliament. The Committee are of the firm view that the Ministry of Environment & Forests are not serious enough to provide information to the House and had resorted to an excuse of working of numerous voluntary organisations for which they did not have information. At least, the Ministry of Environment & Forests could have furnished the information about the voluntary organisations which have been provided with financial aid by the Union Government. The main thrust of the question was on the voluntary organisations which were receiving financial aid from the Union Government and whether there were any complaints received regarding misuse of funds given to these organisations. The Committee feel that the Ministry of Environment & Forests are purposely trying to avoid the real issue and are resorting to side track it. The Committee, therefore, recommend that the Ministry of Environment & Forests should provide the information sought in case of voluntary organisations which were in receipt of financial aid from the Ministry of Environment & Forests. They also recommend that the Government should make it mandatory for voluntary organisations engaged in development of environment and protection of wildlife to register themselves so that those organisations who are in receipt of Government aid are made accountable.

(ii) INADEQUATE SECURITY OF TEMPLES ETC.

1.11 On February 23, 1999, Shri Ravi Sitaram Naik, MP addressed the following Unstarred Question No.154 to the Minister of Human Resource Development:-

“(a) whether it is a fact that all the temples and other buildings under the Archaeological Survey of India do not have adequate security arrangements;

(b) if so, the reasons therefor;

(c) whether the Government are aware about smuggling of the idols and articles of great importance at large scale from the ancient temples and monuments of the country;

if so, the names of the temples and monuments in which smuggling and thefts have been reported during last three years;

the number of idols recovered by the Government; and

the concrete remedial measures taken by the Government in this regard and the action taken against the persons involved in these thefts?”

1.12 In reply, the Minister of Human Resource Development (Dr. Murli Manohar Joshi) stated as follows:-

“(a) & (b): The sanctioned staff under the Archaeological Survey of India for watch and ward of centrally protected monuments is inadequate for providing security to all its monuments.

(c): The Government are aware of a few such instances.

(d): A list of such temples and monuments, as per available information, is given in Annexure I.

(e): In the last three years 35 idols have been recovered.

(f): Stiff measures have been taken by the Archaeological Survey of India in concert with the enforcing agencies like Directorate of Revenue Intelligence, Customs and the State Governments to check

the theft of antiquities and their smuggling by stepping up vigilance and intensifying checking at Customs exit points, as well as by strict enforcement of the Antiquities and Art Treasures Act, 1972. Personnel of the State armed police and private security agencies have also been deployed at selected centrally protected monuments and museums under the Archaeological Survey of India.

Investigation in the specific theft cases of the past three years are under way. However, it is not possible to indicate a time-frame for their completion.”

1.13 Part (f) of the above reply was treated as an assurance and was required to be fulfilled by the Ministry of Human Resource Development within three months of the date of the reply i.e. by May 22, 1999.

1.14 The Ministry of Parliamentary Affairs vide their U.O. No.II/HRD(5)USQ154-LS/99 dated March 14, 2001 forwarded a request of the Archaeological Survey of India, Ministry of Tourism & Culture for dropping of the above mentioned assurance on the following grounds:-

“That the Archaeological Survey of India has no control or any role in the investigation of these theft cases which are conducted by agencies such as CBI, DRI and the State police who have their own procedures for investigation and it is upto these agencies to complete such investigations and report the final result to the ASI. In view of this position, it was requested that the reply may not be treated as an Assurance. The Ministry of Parliamentary Affairs has stated that in case the concerned Department have difficulties in fulfilling the Assurance they may, with the approval of the concerned Minister, revert back to them. In the instant case the Hon’ble Minister for Tourism and Culture has been apprised of the position and has approved that the Ministry of Parliamentary Affairs may kindly be requested not to treat the reply as an assurance.”

1.15 The Committee considered the request of the Ministry of Tourism & Culture at their Sitting held on July 17, 2001. The Committee, however, did not agree to drop the assurance. Instead, they desired to have the Status Report with regard to investigation of theft being conducted by CBI. As per communication dated June 11, 2002 received from the Archaeological Survey of India, the Status Report called from CBI and other agencies has not been received by them.

1.16 While replying to USQ No.154 on February 23, 1999, the Minister of Human Resource Development had acknowledged that the Government were aware about theft of idols and articles of great importance from ancient temples and monuments of the country. The reason for such theft has been attributed to inadequate staff for watch & ward of centrally protected monuments. The Minister had also stated that the investigation in the specific theft cases of the period sought for in the question was being carried out.

1.17 The Committee note with dismay that the temples and protected monuments entrusted to ASI have become vulnerable places just because there are not adequate staff for watch & ward of these places. Temples and monuments are national heritage and it is the bounden duty of the Government to preserve them not only from the natural wear and tear but from the anti-social elements who have no qualms in robbing the nation of its heritage. The Committee strongly feel that there can not be any compromise on this issue. Pending investigation by the CBI and other agencies into the theft and smuggling of idols and antiquities from those centrally protected temples and monuments, the Committee recommend that adequate staff should be sanctioned for watch and ward purposes in all the temples, monuments which are presently under the supervision of ASI, as nation cannot afford to lose its national heritage due to negligence.

1.18 The Committee are also distressed to note that CBI and other investigating agencies have not been able to furnish the information which was sought in a question in early 1999. The Committee like the CBI and all other investigating agencies to complete the investigation at the earliest so that the Government could lay the information on the Table of the House.



## CHAPTER - II

### (i) REDLINE SCHEME

2.1 On May 29, 1995, Shri Rajnath Sonkar Shastri, MP addressed the following Unstarred Question No.7661 to the Minister of Surface Transport:-

“(a) whether attention of the Government has been drawn to the news-item captioned ‘Implementation of Redline Scheme comes under fire in CAG report’ appearing in ‘The Times of India dated April 22, 1995;

(b) if so, the details of all the points brought out therein;

(c) the action taken thereon point-wise;

(d) the number of routes which are still not properly and adequately covered either by the D.T.C. or the Redline or the Bluelines;

(e) the steps taken to provide adequate buses on these routes to remove the hardships of the commuters;

(f) whether there is any proposal to reschedule the bus routes to unify them and to bring the redlines and bluelines under the control of the DTC time keeping booth to observe proper timings; and

(g) if so, the details thereof?”

2.2 In reply, the then Minister of State in the Ministry of Surface Transport (Shri Jagdish Tytler) stated as follows:-

“(a) Yes Sir.

(b) Some of the points brought out in the C&AG report are as under:-

Action to forfeit the security of 498 applicants who could not produce their buses even after two years was yet to be initiated.

Extension/diversion were granted to 974 permit holders without ensuring that the conditions prescribed for such rerouting had been fulfilled.

In the absence of any systematic checks STA could not ensure that Red line buses were observing time schedule and number of trips assigned.

In many cases buses were plying for more than 8 hours a day by single driver putting heavy strain on them and causing large number of road accidents.

Redline buses were involved in 1518 accidents during the period from October 15, 1992 to October 31, 1994; 1376 persons were injured and 372 killed. During 1993-94, there were 1.80 lacs prosecutions of Red line buses for traffic violations.

5. STA kept Rs.49.20 lacs received on account of security deposits from the operators outside the Government account for over two years.

(c) to (g): The Report of the CAG is under examination by the Transport Department of the Government of National Capital Territory of Delhi."

2.3 Parts (c) to (g) of the above reply was treated as an assurance and was required to be fulfilled by the Ministry of Surface Transport within three months of the date of the reply i.e. by August 28, 1995.

2.4 The Minister of Parliamentary Affairs vide their U.O. No.XIII/ST(9)USQ7661-LS/95 dated February 18, 2000 forwarded a request of the Ministry of Surface Transport for dropping the assurance on the grounds indicated below:-

“There were, in all, seven parts in the said question out of which reply to two parts viz. Part (a) and (b) was given. For the remaining five parts, reply could not be given as Government of NCT of Delhi had intimated that the C&AG Report, referred to in part (a) of the question, was under examination. Since then this Ministry has been requesting Government of NCT of Delhi to furnish the necessary information for fulfilling the Assurance. In all, twenty-two references have been sent to that Government requesting them to furnish the required information. However, the information is still awaited from them.

As the case is pending with the Government of NCT of Delhi since May, 1995 and reply to our request is not coming, it is requested that the Committee on Government Assurances in Lok Sabha may be moved to delete the Assurance.”

2.5 The Committee considered the request of the Ministry of Road Transport and Highways at their sitting held on July 17, 2001.

2.6 An assurance was given on May 29, 1995 that the report of the CAG on Redline Scheme was under examination by the Transport Department of the Government of NCT of Delhi. The Committee note that the Ministry of Road Transport & Highways, however, could not fulfil the assurance as the information sought by them was not forthcoming from the Government of NCT of Delhi. The subject raised in the question related to a matter of great public importance and very much relevant on the day it was asked. But by not furnishing the information by the NCT of Delhi at the earliest, the subject matter has lost its importance. Moreover, the redline bus scheme has since been withdrawn. The Committee, therefore, dropped the assurance. The Committee, however, recommend that the Ministries should make special efforts to collect information at the earliest especially of the matter of public importance before it loses its importance.

**(ii) POPULATION CONTROL CO-OPERATION**

2.7 On August 6, 1997, S/Shri Nitish Kumar and Nawal Kishore Rai, MPs addressed the following Starred Question No.202 to the Prime Minister:-

“(a) whether the Government have made an appeal to the industrial sector to co-operate in controlling the increasing population in the country;

(b) if so, whether the Government have also offered any action plan in this regard;

(c) if so, the detailed outlines thereof; and

(d) the nature of co-operation sought by the Government from the Industrial Sectors?”

2.8 In reply, the then Minister of State in the Ministry of Health and Family Welfare (Smt. Renuka Chowdhury) laid the following Statement:-

“While addressing the Seminar organised by the Federation of Indian Chambers of Commerce & Industry at Delhi on July 10 in connection with the World Population Day, Minister of State for Health and Family Welfare urged the Corporate Sector to support Family Welfare Programmes and to take up responsibility for implementation of Family Welfare Programmes at a scale commensurate with their capacity. The Government has been approaching the Industry similarly in the past.

This exhortation to the Industry is in keeping with the Government thinking that population is a critical problem before the country today and it requires a very large effort to be tackled effectively. Also, a massive programme of this nature cannot succeed unless it becomes a national programme in which Government and non-Government Organisations as well as community actively participate. Government’s resources and effort alone will not be sufficient in view of the very large requirement and, therefore, the non-Government Sector including the Industrial Sector should agree to participate in the effort and take responsibility for Family Welfare Programme within the means available to it. The Government has not suggested any specific programme or financial outlay to the Industrial Sector in this regard.

The Federation of Indian Chamber of Commerce and Industry has a Committee for Family Welfare Programmes and it is implementing one project for Integrated Family Welfare Programme in the districts of Agra, Kanpur & Meerut and another project in collaboration with the Population Foundation of India in

Ghaziabad District of Uttar Pradesh. The PHD Chamber of Commerce and Industry is implementing 7 Projects for Family Welfare Programmes. Many other Industrial Undertakings, both in the private and public sector, are making available health services including population control services for their workers and their families. The effort of the Government is to motivate the Industrial Sector for taking on a larger responsibility for family welfare, including population control programme, in view of their sizeable resources.”

2.9 While mentioning that politicians should also observe the family norms, Shri Nitish Kumar, MP wanted to know through supplementary to the question about the Bill in this regard. In reply, the then Minister of State in the Ministry of Health and Family Welfare inter alia stated that the Two Child Norm Bill is active and alive and that it will be brought before the House.

2.10 The above reply to the Supplementary was treated as an assurance and was required to be fulfilled by the Ministry of Health and Family Welfare within three months of the date of the reply i.e. by November 05, 1997.

2.11 The Ministry of Parliamentary Affairs vide their U.O. No.V/Health(32)USQ202-LS/97 dated March 29, 2001 forwarded a request of Ministry of Health and Family Welfare for dropping of the above mentioned assurance on the following grounds:-

“that the Constitution (Seventy-Ninth Amendment) Bill is pending before the Rajya Sabha since 1992. It was examined by the Parliamentary Standing Committee on Human Resource Development and in its 15th Report, while recommending passage of this Bill without any change, the Committee has also recommended that the Government may consider convening a meeting of the leaders of various political parties in Parliament for further consultations on the Bill to arrive at a consensus and ensure its smooth passage.

In pursuance of this recommendation, two meetings of the leaders of various political parties were held on August 14, 1997 and December 13, 1999. However, no consensus could be emerged in these meetings. In the last meeting held on December 13, 1999, many leaders were of the view that the Bill needs to be withdrawn from the Rajya Sabha.

Accordingly, a Cabinet Note, seeking the advice of the Cabinet on this issue was placed before the Cabinet. The Cabinet in its meeting held on November 16, 2000 felt that the consultations may continue to seek and evolve consensus in favour of the Bill. In view of the above, we will pursue this matter and attempt to arrange another meeting of the leaders of political parties in Parliament during the Budget Session of the Parliament.

However, from past experience, there is no certainty that a consensus could be evolved in favour of the Bill. It appears that fulfillment of this Assurance may require an enormous amount of time, besides there remains the uncertainty about the political consensus.

In view of the facts explained above, it is requested that the Ministry of Parliamentary Affairs may take necessary steps to get this Assurance deleted from the list of pending assurances.”

2.12 The Committee considered the request of the Ministry of Health & Family Welfare at their sitting held on July 17, 2001.

2.13 To a supplementary question to Starred Question No.202 on August 06, 1997, as to what happened to a proposal for bringing a Bill for observance of family planning norms by the representatives of the people, the Minister assured that a Bill in this regard would be brought before the House. The Bill has, however, not been brought before Lok Sabha. The Committee have been informed that the Constitution (Seventy Ninth Amendment) Bill is pending before the Rajya Sabha since 1992 and the same was also examined by the Parliamentary Standing Committee on Human Resource Development. As per the recommendation of the Standing Committee, the Government had held two meetings of various political parties to arrive at a consensus to ensure smooth passage of the Bill. The Committee, however, have been informed that no consensus has evolved and there is no certainty that the same would be evolved in favour of the Bill.

2.14 The Committee agree that the population problem is a matter of great concern for the country and to achieve political consensus much consultations and persuasion is required. Keeping in view the above facts, the Committee have acceded to the request of the Ministry of Health & Family Welfare to drop the assurance. Nevertheless, the Committee like the Government to make efforts to evolve consensus in the matter.

(iii) CBI PROBES AGAINST DEFENCE PERSONNEL

2.15 On February 25, 1999, Shri Jang Bahadur Singh Patel, MP addressed the following Unstarred Question No.436 to the Minister of Defence:-

- “(a) the details of defence Officers facing the CBI probes as on date alongwith the reason therefor;
- (b) the present status of all these inquiries;
- (c) the details of the findings of the CBI, so far observed, in the inquiries; and
- (d) the reaction of the Government thereto?”

2.16 In reply, the Minister of Defence (Shri George Fernandes) stated as follows:-

“(a) to (d): The information is being collected and will be laid on the Table of the House.”

2.17 The above reply was treated as an assurance and was required to be fulfilled by the Ministry of Defence within three months of the date of the reply i.e. by May 24, 1999.

2.18 A statement was laid on the Table of the House on November 22, 2000 vide SSIV/7 (Annexure-II) in connection with implementation of the assurance. The same was, however, treated as partially implemented.

2.19 The Ministry of Parliamentary Affairs vide their U.O. No.IV/Defence(2)USQ436-LS/99 dated April 23, 2001 forwarded a request of the Ministry of Defence for dropping of the above mentioned assurance on the following grounds:-

“In the Implementation Statement fulfilling the assurance, against S.No.16 final status has already been indicated and, therefore, this needs to be excluded from the list of cases on which pending action has been pointed out.

It is further submitted that the text of the question seeks information on the details of Defence Officers facing CBI probe, present status of the cases, details of the findings of the CBI and reaction of the Government thereto. While furnishing the Statement fulfilling the Assurance, every detail that has been made available by the CBI has been indicated. The CBI have, themselves indicated in certain cases that these are still under investigation and while in some cases it is intimated that these are pending trial in the Courts of Law. CBI have also intimated that it is not possible for them to indicate any time frame for conclusion of trials pending in the Courts even though every effort is being made by them to get the matter expedited. Unless the report of the CBI is received by the Government, it is not possible to indicate the reaction of the Government thereon. Under the circumstances, it is felt that the status already furnished in respect of the various cases may be treated as final and the Assurance treated as completely fulfilled otherwise, the Assurance will remain unfulfilled for an indefinite period. It is, therefore, requested that the matter may please be placed before the Committee on Government Assurances.”

2.20 The Committee considered the request of the Ministry of Defence at their sitting held on July 17, 2001.

2.21 The Committee note that an assurance was given that information sought in USQ No.436 asked on February 25, 1999, would be collected and laid on the Table of the House. Information in regard to details of Defence Officers facing the CBI probe along with the present status were provided in a Statement laid on the Table of the House on November 22, 2000. As the information sought in the question has already been provided in the Statement, the Committee have agreed to drop the assurance. The Committee, however, like the Government to pursue vigorously all the pending cases in different courts and to work

out some plan so that malaise of corruption may not spread further. Best endeavor will have to finalize the pending cases within a time frame work.

(iv) SUBSIDY ON SOLAR EQUIPMENTS

2.22 On March 8, 1999, Dr. T. Subbarami Reddy, MP addressed the following Unstarred Question No.1733 to the Minister of Non-Conventional Energy Sources:-

“(a) whether attention of the Government has been drawn to the news-item captioned “how subsidy for solar equipment vanishes into thin air” appearing in The Indian Express dated February 01, 1999;

(b) the facts of the matter reported therein;

(c) whether the Government have examined the reports published in this regard;

(d) if so, the details thereof; and

(e) the steps being considered to take action against those held responsible for this misuse?”

2.23 In reply, the then Minister of Power, Parliamentary Affairs and Non-Conventional Energy Sources (Shri P.R. Kumaramangalam) stated as follows:-

“(a): Yes, Sir.

(b), (c), (d) & (e): The solar energy programme of the Ministry of Non-Conventional Energy Sources is implemented through the renewable energy agencies in various States. In Delhi, the programme is implemented by the Delhi Energy Development Agency which functions under the Government of National Capital Territory of Delhi. The Ministry has examined this and earlier reports which appeared in the press and have obtained information from the Delhi Energy Development Agency.

Following examination by audit, the Comptroller and Auditor General (CAG) has pointed out certain irregularities in the implementation of the programme by DEDA. This includes sale of solar lanterns whose genuineness could not be verified and expenditure on free supply of solar lanterns to Ministers and Government officials on demonstration basis.

DEDA has reported that one Project Officer has been placed under suspension following the observations regarding the bogus sales of solar lanterns. According to the Agency, the free supply of solar lanterns was for demonstration purpose only and the lanterns are still the property of the Agency. The matter is also being looked into by the Lokayukta and by the Deputy Commissioner (East), Delhi.”

2.24 Reply to Parts (b) to (e) was treated as an assurance and was required to be fulfilled by the Ministry of Non-Conventional Energy Sources within three months of the date of the reply i.e. by June 07, 1999.

2.25 The Ministry of Parliamentary Affairs vide their U.O. No.IV/NES(2)USQ1733-LS/2000 dated January 18, 2001 forwarded a request of the Ministry for Non-Conventional Energy Sources for dropping of the above mentioned assurance on the following grounds:-

“The question referred to certain press reports pertaining to irregularities in the distribution of solar lanterns in Delhi by the Delhi Energy Development Agency (DEDA), which functions under the Government of National Capital Territory of Delhi.

In this regard, the Ministry has been seeking information from DEDA for fulfilling the Assurance. The DEDA has informed this Ministry that the matter was being looked into by the Lokayukta of National Capital Territory (NCT) of Delhi and the Deputy Commissioner (East), Delhi. However, the required information is yet to be received by this Ministry from DEDA.

It is to be brought to your kind notice that the authorities that are looking into the matter are not under the purview of the Central Government. The subject matter of the question deals with the manner in which the solar lantern programme was implemented by the DEDA, which has been functioning under the Government of the National Capital Territory of Delhi. The matter has been stated to have been looked into by these two authorities, which are not under the control of the Central Government and as such no

directive can be given to these authorities by this Ministry for submitting the required information within a given time frame.

Keeping in view the above facts, the Ministry, therefore, feels that it is not feasible to fulfill this Assurance and, therefore, it may be dropped.

Therefore, the Ministry of Parliamentary Affairs is requested to move the Committee on Government Assurances for deletion of the Assurance.”

2.26 The Committee considered the request of the Ministry of Non-Conventional Energy Sources at their sitting held on July 17, 2001.

2.27 The Committee note that the Solar Energy Programme of the Ministry of Non-Conventional Energy Sources is implemented by the Delhi Energy Development Agency in Delhi. According to reply given to USQ No.1733 on March 08, 1999, the Comptroller & Auditor General (CAG) had pointed out certain irregularities in the implementation of the programme by DEDA and that the matter was being investigated by the Lokayukta and by the Deputy Commissioner (East) Delhi.

2.28 The Committee acceded to the request of the Ministry of Non-Conventional Energy Sources to drop the assurance as the Union Government do not have any authority over the Lokayukta of NCT of Delhi as also the Deputy Commissioner (East) Delhi. The Committee, however urge the Union Government to be vigilant while getting its various programmes implemented through States/Union Territories in future.

(v) SCHEDULED TRIBES LIST

2.29 On December 07, 1999, Shri Ram Shakal, MP addressed the following Unstarred Question No.1285 to the Minister of Tribal Affairs:-

“(a) the number of castes included in the list of Scheduled Tribes;

(b) whether the Government propose to include Kol, Viyar, Kharvar, Panika, Gond Varthwar, castes of Sonbhadra and Mirzapur districts of Uttar Pradesh in the list of Scheduled Tribes;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?”

2.30 In reply, the Minister of Tribal Affairs (Shri Jual Oram) stated as follows:-

“(a): In accordance with the provisions of Article 342 of the Constitution, only tribes or tribal communities, not castes are included in the list of Scheduled Tribes. Through Eighth Order 587 communities have been specified as Scheduled Tribes.

(b) & (c): There is proposal to include Kol, Panika, Kharwar, Gond(not Gond Varthwar) and Biyar (not Viyar) communities of Sonbhadra and Mirzapur Districts of Uttar Pradesh in the list of the Scheduled Tribes.

(d): Does not arise. ”

2.31 Reply to parts (b) & (c) was treated as an assurance and was required to be fulfilled by the Ministry of Tribal Affairs within three months of the date of the reply i.e. by March 06, 2000.

2.32 The Ministry of Parliamentary Affairs vide their U.O. No.II/Tribal Affairs(6)USQ1285-LS/99 dated January 11, 2001 forwarded a request of Ministry of Tribal Affairs for dropping of the above mentioned assurance on the following grounds:-

“According to the Manual for handling the Parliamentary Work in Ministries, the reply given by the Ministry does not constitute an Assurance. Further, the issue of revision of Scheduled Tribe list is a time consuming process requiring consultations with the concerned State Government, the Registrar General of India and the National Commission for Scheduled Castes and Scheduled Tribes. On receipt of proposals from the concerned State Government, the same is forwarded to the Registrar General of India. The RGI if satisfied with the details, sends back the recommendation to the Central Government and then the Central Government in turn sends the recommendation to the National Commission for SCs and STs. The State

Governments, RGI and National Commission for SCs and STs being statutory authorities take their own time in sending their reports. Further, any revision in the lists can only be effected through an Act of Parliament to which a fixed time schedule can not be prescribed. Therefore, it would not be wise to keep the assurance pending for such a long period.

In view of the facts stated above, the Committee on Government Assurances (Lok Sabha) may kindly be moved for the deletion of the Assurance.”

2.33 The Committee considered the request of the Ministry of Tribal Affairs at their sitting held on July 17, 2001.

2.34 Reply to USQ No.1285 on December 07, 1999 that proposal to include certain communities of Sonbhadra and Mirzapur Districts of UP in the list of Scheduled Tribes was treated as an assurance. The Committee agree with the request of the Ministry of Tribal Affairs that the issue of revision of Scheduled Tribe list is a time consuming process requiring consultations with the State Government, the Registrar General of India, National Commission for Scheduled Castes and Scheduled Tribes apart from enacting an Act by the Parliament. The Committee, however, note that the question did not specifically seek the time limit by which those communities of UP would have been included in the Scheduled Tribe List. The Committee, therefore dropped the assurance.

NEW DELHI;  
November 08, 2002

DR. S. VENUGOPAL  
Chairman  
Committee on Government Assurances

**MINUTES  
EIGHTH SITTING**

Minutes of the Eighth sitting of the Committee on Government Assurances held on July 17, 2001 in Committee Room 'E', Basement, Parliament House Annexe, New Delhi.

The Committee met from 1100 hours to 1200 hours on Tuesday, July 17, 2001.

PRESENT

Shri Rupchand Pal - in the Chair

Members

2. Shri E. Ahamed
3. Shri Padam Sen Choudhry
4. Adv. Uttamrao Dhikale
5. Shri Brahmanand Mandal
6. Shri Sudarsana E.M. Natchiappan
7. Dr. Prasanna Kumar Patasani
8. Shri Dharam Raj Singh Patel
9. Shri Sohan Potai
10. Shri Manoj Sinha

SECRETARIAT

Shri P.D.T. Achary - Joint Secretary  
Ms. J.C. Namchyho - Assistant Director

In the absence of the Chairman (Dr. S. Venugopal) Shri Rupchand Pal, MP conducted the Sitting of the Committee after his name was proposed and seconded by the Members of the Committee present.

The Committee considered the following Memoranda regarding dropping of assurances:-

Memorandum No.18 Request for dropping of assurance given on May 29, 1995 in reply to USQ No.7661 regarding Redline Scheme.

The Committee took up the above Memorandum for dropping of assurance in pursuance of the request received from Ministry of Road Transport and Highways. The Committee acceded to their request as the subject matter of the assurance was dealt by NCT of Delhi.

Memorandum No.19 Request for dropping of assurance given on May 06, 1997 in reply to USQ No.4790 regarding Voluntary Organisations.

The above mentioned assurance relates to Voluntary Organisations working for development of environment and protection of wild life. The Committee were taken aback that huge amount is released to Voluntary Organisations as financial assistance but these organisations are not obliged to register themselves with State or Central Government. In view of the above, the Committee did not agree with the request of Ministry of Environment and Forests that they are not able to collect information. The Committee had considered similar request earlier too and had not agreed to drop it.

Memorandum No.20 Request for dropping of assurance given on August 06, 1997 in reply to SQ No.202 regarding Population Control Co-operation.

The Committee took the above Memorandum for discussion. The assurance was given to a supplementary question in regard to the family planning norms for politicians. The Ministry of Health and Family Welfare had requested for dropping of assurance on the ground that the Bill in this regard i.e. Constitution (Seventy Ninth Amendment), Bill is pending before Rajya Sabha. The Committee were of the view that the assurance may be dropped as the Bill in regard to the two child norms requires much wider consensus.



Memorandum No.21 Request for dropping of assurance given on June 05, 1998 in reply to SQ No.156 regarding Closure of CCI Units.

The above mentioned matter relates to closure of Units of Cement Corporation of India. The Ministry of Heavy Industry and Public Enterprises had stated in their dropping request that draft revised revival scheme of CCI has been submitted to BIFR. The Committee did not agree to drop the assurance. Instead it desired to have Status Report in regard to the revival of CCI.

Memorandum No.22 Request for dropping of assurance given on February 23, 1999 in reply to USQ No.154 regarding Inadequate Security of the Temples etc.

The Committee took up the above Memorandum and discussed the matter in details. The Committee felt that it is an important matter as lot of valuable antiques have been stolen and investigation is being conducted. The Committee did not drop the said assurance and desired to have Status Report on the investigation of theft cases being conducted by CBI.

Memorandum No.23 Request for dropping of assurance given on February 25, 1999 in reply to USQ No.436 regarding CBI probes against Defence Personnel.

The Committee noted that the Status Report submitted in regard to fulfillment of the assurance is complete. The Committee decided to drop the assurance.

Memorandum No.24 Request for dropping of assurance given on March 08, 1999 in reply to USQ No.1733 regarding Subsidy on Solar Equipments.

The Committee acceded to the request of the Ministry of Non-Conventional Energy Sources to drop the assurance as the subject matter related to Delhi Energy Development Agency (DEDA) which comes under the control of State Government of Delhi.

Memorandum No.25 Request for dropping of assurance given on December 07, 1999 in reply to USQ No.1285 regarding Scheduled Tribes List.

Lastly, the Committee took up the above memorandum and decided to drop the assurance on the plea that the revision of Scheduled Tribe List is a time consuming process.

The Committee decided to hold their next sitting in the month of August, 2001.

The Committee then adjourned.

**MINUTES  
EIGHTH SITTING**

Minutes of the Eighth sitting of the Committee on Government Assurances held on September 26, 2002 in Committee Room 'D', Ground floor, Parliament House Annexe, New Delhi.

The Committee met from 1100 hours to 1150 hours on Thursday, September 26, 2002.

PRESENT

Chairman

Dr. S. Venugopal

Members

2. Shri Priya Ranjan Dasmunsi
3. Adv. Uttamrao Dhikale
4. Dr. S. Jagathrakshakan
5. Shri Brahma Nand Mandal
6. Shri Ramjee Manjhi
7. Shri Sudarsana E.M. Natchiappan
8. Shri Rupchand Pal
9. Shri Kishan Singh Sangwan
10. Shri Raghuraj Singh Shakya
11. Shri Bahadur Singh
12. Rajkumari Ratna Singh
13. Shri Tarlochan Singh Tur

SECRETARIAT

1. Shri R.C. Gupta - Director
2. Ms. J.C. Namchyo - Assistant Director

The Committee considered the draft 10th Report and adopted the same with the following amendments:- Paras 1.10 to 1.21 of the draft Report were deleted, since the Committee decided to take Oral Evidence of the Officials of the Ministry regarding Closure of CCI Units. Para 1.22 onward were renumbered.

(ii) 'and frustration in the armed forces may not lead to fake encounters and death of innocents' deleted and the following sentence added:-

"Best endeavor will have to be made to finalize the pending cases within a time frame work."

3. The Committee authorized the Chairman to present the Report in the ensuing Winter Session.

4. Thereafter, the Committee decided to undertake study tour from 25th October, 2002 to 1st November, 2002 to Chennai, Cochin, Lakshadweep and Mumbai.

The Committee then adjourned.

**STATEMENT REFERRED TO IN REPLY TO PART 'D' OF LOK SABHA UNSTARRED  
QUESTION NAMES. NO. 154 REPLIED ON 23.02.1999.**

**LIST SHOWING THE NAMES OF THE TEMPLES AND MONUMENTS IN WHICH THEFTS  
HAVE BEEN REPORTED DURING THE LAST THREE YEARS.**

<b><u>Sl. No.</u></b>	<b><u>Name of the State</u></b>	<b><u>Name of the temples &amp; Monuments</u></b>
1.	Karnataka	Palguneshvara Temple, Chitradurga Fort, Distt. Chitradurga.
2.	Madhya Pradesh	Viarateshwar Temple, Sohagpur, Distt., Shahdol
3.	-do-	-do-
4.	-do-	Mamleshwara Temple, Dandhota Distt. Khandwa
5.	Orissa	Sanctum of Excavated monastery at Udaigiri, Distt. Jajpur
6.	-do-	Bahari Gopalji Temple, Distt. Sonepur (then Distt. Bolangir)
7.	Rajasthan	Temples at Atru, Distt. Baran
8.	-do-	-do-
9.	-do-	-do-
10.	-do-	-do-
11.	-do-	Harshat Mata Ka Mandir, Abaneri, Disstt. Dausa
12.	-do-	Somnath Temple, Deo Somnath Distt. Chittaurgarh
13.	-do-	Thaneswar Temple, Basil, Distt. Chittaurgarh
14.	Uttar Pradesh	Model Room, Residency, Lucknow
15.	Uttar Pradesh	Quaisarbagh Gate, Lucknow
16.	-do-	Dargah Sheikh Salim Chisti, Fatehpur Sikri, Distt. Agra
17.	West Bengal	Hazardaur Palace Museum, Murshirdabad
18.	Madhya Pradesh	Jain Temple at Golakot, Distt. Shivpuri

**4<sup>th</sup> Session of XII Lok Sabha**  
**Ministry of DEFENCE**

Q.No., Date &Name of M.P(s)	Subject	Promise made	How fulfilled	Reasons for delay
USQ. No.436 dt. 25.2.1999 asked by Shri Jung Bahadur Singh Patel	<p><u>CBI PROBES AGAINST DEFENCE PERSONNEL</u></p> <p>Asking:-</p> <p>The details of defence officers facing the CBI probes as an date alongwith the reason therefor;</p> <p>The present status of all these inquiries;</p> <p>the details of findings of the CBI, so far observed, in the inquiries; and</p> <p>the reaction of the Government thereto?</p>	<p>The information is being collected and will be laid on the Table of the House.</p>	<p>A statement is enclosed.</p>	<p>The information was awaited from CBI.</p>

**STATEMENT SHOWING THE POSITION IN FULFILMENT OF ASSURANCE GIVEN TO USQ  
NO. 436 DATED 25.2.99 BY SHRI JANG BAHADUR SINGH PATEL**

<b>Sl. No.</b>	<b>(a) the details of the defence Officers facing the CBI probes as on date alongwith the reason therefor;</b>	<b>(b) the present status of all these inquiries;</b>	<b>(c) the details of finding of the CBI, so far observed, in the inquiries ; and</b>	<b>(d) the reaction of the Government thereto</b>
1.	<p>RC.7(A)/98-VSP, Lt. Cdr. John E. Mathew, DCMP(Russian Stores), Material Organisation, Eastern Naval Command, Visakhapatnam.</p> <p>2. Lt. J. Ajit Kumar, Asstt. Controller of Materials procurement (Russian Stores-V), Material Organisation, ENC, Visakhapatnam</p> <p>The above officials entered into criminal conspiracy during 1994 with a private firm M/s Durga Engineering Services. Visakhapatnam to cheat Materials Organisation, Eastern Naval Command, Visakhapatnam by placing a purchase order on the said firm which is not developed firm for the said Russian Spares at an exorbitant price and caused loss to a tune of Rs. 3, 92, 500/- to the Department.</p>	Under investigation.	The case is still under investigation.	T The case is under investigation.

2.	<p>RC. 12(A)/98-VSP, Lt. Cdr. John. E. Mathew, DCMP(Russian Stores) Material Organisation Eastern Naval Command, Visakhapatnam</p> <p>Lt. J. Ajitkumar, Asstt. Controller of Materials Procurement, Russian Stores, CPRO, MO(V), Visakhapatnam.</p> <p>Lt. Janardhan, Asstt. Controller of Materials Procurement, Russian Stores, CPRO, MO (V) Visakhapatnam.</p> <p>Lt. Jogleker, Asstt. Controller of Materials Procurement, Russian Stores, CPRO, MO (V), Visakhapatnam.</p> <p>The accused entered into criminal conspiracy among themselves and a private firm to cheat M.O., ENC, Visakhapatnam. They dishonestly and fraudulently processed the procurement of certain items and caused loss to MO.ENC, Visakhapatnam to a tune of Rs. 5,22.300/-.</p>	Under investigation	The case is still under investigation.	LII The case is under investigation.
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3.	<p>PE. 14(A)/97-Shillong</p> <p>Col. Kulbusan Madar, Commanding Officer, 7<sup>th</sup> Sikh Regiment, Meerut UP c/o 56 APO.</p> <p>Major Budh Budh Bikram Thapa HQ 18 Infantry Division c/o 56 APO. Major Joshi Sahhar Pramod No. 10 Infantry Division c/o 56 APO. Capt. Daljit Singh, 7<sup>th</sup> Sikh Regiment Meerut UP.</p> <p>This case has been taken up under the orders of Guwahati High Court vide CR No. 58/1996 on the allegation that in the night on dated 10.10.96 at 1.00 AM Sri Biplab Gohain was taken out of his rented house for interrogation by Army personnel and tortured and since then he remained untraced.</p>	Enquiry completed and Final report is under preparation.	<p>Final Report for conversion of PE into RC against Army personnel are under preparation.</p> <p>K</p>	Final Report for conversion of PE into RC against Army pesonnel are under preparation.
4.	<p>PE.(A).95-Jammu,</p> <p>Some unknown officers of AGE BR-1 C/o. 864 EWS C/o 56 APO.</p> <p>Maj. Sunil Kumar Deo, (Defence Service staff College, Tamil Nadu (GO-1)</p> <p>It is learnt that during the year 1994 consumption of 101 drums of bitumen were falsely shown on the strength of 3 bogus bill amounting to Rs. 1,09,200/- purportedly issued by M/s Delhi Bitument Sales Agency, whereas these bills were forged and were never issued by M/s Delhi Bitumen Sales Agency.</p>	Investigation has been completed.	<p>CBI recommended Regular Depttal. Action for minor penalty against Maj. S.K. Deo and banning of business dealing of M/s Delhi Bitumen Sales Agency with MES.</p>	Action has been initiated against Maj. SK Deo as per Army Act.
5.	<p>RC.10(A)/97-Jammu,</p> <p>Sh. Gurbax Singh, AEO, (Retd.)</p>	The investigation of this case has been completed.	CBI had sought prosecution sanction against Sh. Gurbax Singh AE, Sh. K.L.	Prosecution sanction has been issued and sent to CBI.

	<p>Sh. K.L. Kaul, BSO (Rtd)</p> <p>Capt. Avinash Kumar, TEO-574, Engr. Park (GO-1) c/o 56 APO.</p> <p>Sh. M.R. Gupta, BSO (GO-II) O/o CE Chandigarh Zone, Chandigarh.</p> <p>Sh. S.L. Jain, AE (Rtd)</p> <p>The accused persons while working in the offices of GE Kaluchak and GE 574 Engr. Park colluded with each other and misappropriated Iron Scrap weighing 19,300 Kgs. worth Rs. 9,65,000/- approx. on the strength of Issue Vouchers in respect of which the receipt vouchers do not exist or the same do not tally in material particulars with receipt vouchers.</p>		<p>Kaul BSO, Capt. Avinash Kumar, TEO, Sh. MR Gupta, BSO (GO-11) and Sh. S.L. Jain, AE( Rtd).</p>	
6.	<p>RC.11(A)/97-Srinagar</p> <p>Sh. K.L. Kaul, BSO, 0/o GE-574, Enginnera park 56 APO(GO-II).</p> <p>Sh. Sanjay Aggarwal, AGE B/R O/o GE 862 EWS O/o 56 APO (GO-II).</p> <p>Preliminary enquiries in case PE.1 (A)/97 have revealed that the above mentioned accused while working in the O/o GE 862 EWS (Rajouri) and GE 574 E.R. Pathankot entered into a criminal conspiracy in pursuance of which they misappropriated 13988.7 Kgs. of Iron Scrap, 20 Kgs. of Copper Scrap and 2 Kgs of Brass Scrap worth Rs. 73, 043/- approx. on the strength of Issue Vouchers in respect of which either the receipt vouchers do not exist or the same receipt vouchers number have been given to different consignees.</p>	<p>Investigation has been completed.</p>	<p>CBI had sought prosecution sanction against Sh. KL Kaul, BSO and Sh. Sanjay Aggarwal, AGE, B/R.</p>	<p>Prosecution sanction has been issued and sent to CBI.</p>
7.	<p>RC.23(A)/96-JBR, Lt. Col. PO, Oommen (retd) the then Commanding</p>	<p>Charge Sheet was filed in the Court of Spl. Judge for CBI</p>	<p>All the 4 Army Officers alongwith one private person</p>	<p>Prosecution sanction has been issued in respect of all the</p>



	<p>Officer, ASC, Jabalpure.</p> <p>2. Maj. E.R. Kumar, ASC, Jabalpur ( Gr. A)</p> <p>3. Lt. P.K. Rakwal, ASC, Jabalpur ( Gr. A).</p> <p>4. Lt. JS Viridi ( Rtd)</p> <p>It is alleged that all the above Officers entered into criminal conspiracy with each other and with private party, i.e. Shri Prahlad Das Agrawal of M/s Baldev Prasad Prem Narain &amp; Sons, Jabalpur during 1995 and in furtherance thereof purchased 109 tins of adulterated refined soyabean oil causing wrongful loss to the Army.</p>	cases at Jabalpur on 31.3.99	were found to have committed criminal misconduct by accepting 109 tins of adulterated refined soyabean Oil worth Rs. 60,495/-	five Officers.
8.	<p>RC-16 (A)/98 –JBR</p> <p>Sh. R.G. Khadtare, Chief Engineer, MES, Jabalpur Zone, Jabalpur ( Gr. A)</p> <p>2. Sh. D. Suryanarayan, Commander Works Engineer (P) Factory, Jabalpur (Gr.A).</p> <p>3. Sh. V.K. Balachakra, DCWE (P) Fy Jabalpur (Gr.A)</p> <p>Sh. M.C. Gupta, the then Garrison Engineer Khamaria, Jabalpur (Gr.A)</p> <p>Sh. P.V. Rao, GE, Khamaria, Jabalpur ( Gr.A)</p> <p>6. Sh. P.C. Verma (Rtd) the then AGE I/O GE Khamaria</p> <p>Sh. G.C. Jaina, AGE, O/o GE Khamaria</p> <p>It is alleged that 19 contracts relating to special repairs of buidlings damaged due to earth quake on 22.5.97 of Ordnance Factory Khamaria ( inside the facotry and estate) were awarded to 12 contractors on higher rates through pooled tendering.</p>	Investigation has been completed.	It is found that all these MES officials except Sh. R.G. Khadtane have committed gross misconduct and were found to be negligent in the matter of preparation of estimates and market analysis, calling of tenders, issue of technical sanction, acceptance of pooled tenders without knowing the quantities of the work.	Action has been initiated as per rules.
9.	RC.17(A)/98-JBR	Investigation has	It is found that all	Action has been

	<p>Sh. R.G. Khadtare, Chief Engr. MES, Jabalpur ( Gr. A).</p> <p>Sh. D. Suryanarayan, Commander Works Engineer(P) Factory Jabalpur (Gr.A)</p> <p>Shri V.K. Balchakra, DCWE(P) Factory Jabalpur (Gr.A).</p> <p>Maj Sanjay Kumar, Garrison Engineer (P) Fy Jabalpur (Gr.A)</p> <p>Sh. V.K. Gupta , AGE 0/o GE (P) Fy Jabalpur (Gr.B).</p> <p>Sh. K.B. Mandal AGE 0/o GE(P) Fy. Jabalpur (GR.B)</p> <p>Sh. R.K. Bansal AGE, Katni O/o GE(P) Fy, Jabalpur (Gr. B).</p> <p>It is alleged that 12 contracts relating to special repairs of buildings damaged due to earth quake on 22.5.97 of Gun Carriage Factory, Jabalpur (inside the factory and estate) and ordnance Factory Katni were awarded to 8 contractors on higher rates through pooled tendering.</p>	<p>been completed.</p>	<p>these MES Officials except Sh. RG Khadtare have committed gross misconduct and were found to be negligent in the matter of preparation of estimates and market analysis, calling of tenders, issue of Technical sanctions without knowing the quantities of the work, acceptance of pooled tenders and execution of works and grant of extensions without levying penalties. Sh. RG Khadtare Chief Engineer is found to have shirked his responsibilities and delegated his financial powers to his subordinate CWE(P) Fy. and instead of awarding the works at his level had delegated his financial powers to CWE(P) Fy. which resulted in award of contracts of same nature at the same place at different rates resulting in wrongful loss to the Govt.</p>	<p>initiated as per rules.</p>
<p>10.</p>	<p>RC. 2(A)/96-ACU.II</p> <p>Brg. A.K. Soni (Rtd) Chief Engineer, MES Delhi Zone, Delhi is facing trial in the Court of Spl. Judge Delhi. He is accused of entering into a criminal conspiracy with MES officials S/Sh. S.K. Shinghari, N.B. Singh, MZ Lah and K.K. Karihaloo and M/s K.B. Contractor with the object to cheat MES Delhi Zone to the tune of Rs. 23.54 lakhs in the matter of award of a contract for supply/installation/erection and commissioning of mechanical</p>	<p>The investigation was completed and case was chargesheeted in the Court of Spl. Judge Delhi on 19.9.98. Sanction for prosecution was accorded and Brig Soni is facing trial alongwith other accused persons/firm.</p>	<p>Brg. Soni has been named as an accused by the CBI and his prosecution is going on in the Hon'ble Court. Case is pending trial.</p>	<p>The case is under trial.</p>

	laundry plant at R.R. Hospital Delhi Cantt. to M/s K.B. Contractor at an exorbitant rate of Rs. 73.59 lakhs during 94-95 by abusing his officials position.			
11.	<p>RC.19(A)/96-Calcutta,</p> <p>P. Sivanandan, AGE, MES R.O. Mishra, AGE, MES B.N. Pradhan, GE(Lt. Col). MES M.S. Patnaik/GE(Lt. Col.) MES H.N. Mahato, GE(Maj), MES</p> <p>The defence officials entered into a criminal conspiracy among themselves during the period between 1985 and 1992 and in pusuance to the said criminal conspiracy misappropriated the stores material worth of Rs. 1.8 crores.</p>	Investigation has been completed.	CBI has recommended regular departmental action of major penalty against the defence officials.	All the officers are service personnel who have since retired.
12.	<p>PE.3/96-SCB/Calcutta</p> <p>Enclosed in separate sheet. (annexure-A)</p>	As per orders of the Hon'ble Guwahati High Court dt. 27.5.99, the matter is pending.	Separately attached (Annx.B)	Decision of the case is still pending.
13.	<p>PE.20(A)/96-Lucknow, B, Sudharna, Ex.EWE, MES</p> <p>There has charge-sheated for having acquired disproportionate assets to his known source of income.</p>	The case is pending trial in the Court of Special Judge(West) Anti Corruption Lucknow.	The case is pending trial.	The case is pending trial in the Court of Spl. Judge( West) Anti Corruption Lucknow.
14.	<p>RC. 31(A)/96-Shillong, Lt. Col. V.K. Mahajan of 2 Maintenance Group, Assam Rifles and C.O. 11, Sikh Light Infantry C/o 56 APO 2 Major I.S Basnet of 2 maintenance Group Assam Rifles presently in Ammunition Depot Dapper Punjab.</p> <p>Major Pawan Wahi of 3 Maintenance Group Assam Rifles presently OS, Directorate MGO Branch, Army HQR, Dalhousie House, New Delhi.</p> <p>The accused were alleged for causing wrongful loss to the Assam Rifles by</p>	Investigation complete except to got some more documents from Assam Rifles authorities besides examination of few more witnesses.	Enquiry so far made revealed that total 14225 Nos. of Gorkha Hats supplied by the firm whereas the payment made for 19004 Nos.	The case is under investigation.

	making full payment to a firm for supply of Gorkha Hats to the Assam Rifles whereas the firm in reality not supplied the full quantity of the Gorkha Hats.			
15.	<p>RC.27(B)/97-Ahmedabad</p> <p>Col. B.C.S. Jagti ( IC-208184) P/64/3 Chushul Vihar, Gandhinagar (A-1)</p> <p>Lt. Col. A Majumdar (IC-392424) inf. School, MHOW (A-2)</p> <p>The above officers are facing CBI Probe on the offences punishable U/s 147, 149 r/w 323,332, 427 &amp; 452 IPC.</p>	Investigation has been completed.	Such action as deemed fit is recommended against Col. BCS Jagti & Lt. Col. A Majumdar. They can be prosecuted in a Civil Court. Alternatively, they can be tried by the Court Martial as per the provision of Army Act and Rules.	Action has been initiated as per rules.
16. 1. 2. 3. 4. 5. 6.	<p>Pl.6(A)/97-Bangalore, SQN LDR A Chaturvedi, Air Force Station Bidar.</p> <p>Flt. Lt. S.S. Kadian Air Force Station Bidar.</p> <p>Flt. Lt. M.S. Jayasimha Air Force Station Bidar.</p> <p>Flt. Officer, N. Mishra Air Force Station Bidar.</p> <p>M.N.O.C.S Mathew Kutty, Air Force Station, Bidar.</p> <p>MWO B. Singh, Air Force Station, Bidar.</p> <p>During the period 1994-95 the officer at S.No. 1 to 6, while functioning as Officer-in-charge of various messes run by the Air Force Station, Bidar, deliberately diverted a huge quantity of 5 Kilo Litres of Aviation Turbine Fuel for burning in the messes headed by them. The suspect officers were also responsible for the regular drawal of ration from the Army supply, which include fire wood &amp; steam coal.</p>	The Indian Oil Corporation Ltd. Management have issued suitable instructions to their personnel attached to Air Force Station.	After completion of the enquiry, the case was recommended for such action against all the suspect Officers.	A minor penalty of censure has been awarded to Sqn. Ldr. A Charturvedi (18635) Adm/FC, Sqn Ldr. S.K. Kadian (19255) AE(L) & Flt Lt M S Jaysimha (20204) Adm FC. No action was taken against Flt Officer N Misra as she stands released from service.
17.	<p>RC.39(A)/97-Calcutta. A.K. Shukla, Garrison Engineer, Deptt. of Defence.</p> <p>The Officer demanded a sum of Rs.</p>	Inquiry has been completed.	CBI has recommended launching prosecution against the accused but CVC has recommended Major	The case is under consideration.

	5000/- in advance to consider the requisition of the complainant for grant of extension of time and to process the final bill of contract for repair of approach roads foot path to certain building.		penalty against the accused.	
18.	<p>RC.3(A)/97-Srinagar, J.S. Pannu, (Measurer), Supdt. B/R-1, O/o GE 6360 C/o 56 APO (NGO)</p> <p>2. Capt. N.S. Mann, Engineer-in-charge, O/o GE 6360 C/o 56 APO(GO-1).</p> <p>Sh. K.K. Thukral, Supdt. B/R O/o GE 6350 c/o 56 APO (GO-1)</p> <p>Capt. M. Sumual Kurien, AGE B/R/ O/o GE 873 C/o 56 APO (GO-1)</p> <p>Preliminary enquiries in case have revealed that M/s Swastik Construction Co. utilised sub-standard material in the execution of the contract agreement for storage accommodation at Mendhar awarded to them by the HQ Northern Command at a cost of Rs. 54.37 lac &amp; did not execute as per specification which resulted in collapses of traverse well constructed under this contract. The above officers are Supervisory Officers of the work in pursuance of common agreement and intentionally falsely certified that the work was carried out as per specifications which in fact was not so as proved by Technical Board of Officer, thereby caused pecuniary advantage to the above said firm with corresponding loss to the Government of India to the tune of Rs. 25 lacs approx.</p>	The case is still pending trial in the Court.	This case has been sent for trial and it is pending trial in the Court of Spl. Judge.	The case is pending trial.
19.	<p>RC. 5(A)/97-Silchar</p> <p>Sh. Rajendra Singh, OEM 176, FCPL, RCC.</p> <p>Col. K.C.K. Nair, HQ Project Deepak C/o 56 APO.</p> <p>Maj. Rajeev Agarwal, OC, 74, RCC, GREF, Champai, Mizoram.</p>	Originally this case was registered against Maj. Rajeev Agarwal OC, 74 RCC(GREF), General Reserve Engg. Force, Champai, Mizoram. During investigation, Sh.	That Sh. Rajender Singh, OEM, 168304. 176 FCPL, 107 RCC, while posted and functioning as OEM under 74 RCC, Champai, Mizoram, during March, 97, failed to maintain absolute utmost	

	<p>Disclosed that he failed to maintain absolute devotion to duty &amp; acted in manner of unbecoming of a Govt. servant and committed gross misconduct which tantamount to contravention of Rule 3(II) (iii) of CCS( Conduct) Rules 1964.</p>	<p>Rajender Singh, OEM, 176, FCPL, 107 RCC &amp; Col. K.C.K. Nair, HQ, project Deepak C/o 56 APO were found to be involved in the case Finally after investigation Regular Departmental action for major penalty recommended against Sh. Rajender Singh, OEM, 176, FCPL and such action recommended against Maj. Rajeev Agarwal and Col. K.C.K. Nair.</p>	<p>devotion to his duty and acted in a manner of unbecoming of Govt. servant in as much as he had wrongfully made entries in the Log Book Dozer BM No. 27365. The Dozer was used by him for depttl. Works in between 4.3.97 to 7.3.97 &amp; 12.3.97 to 15.3.97, whereas, the Dozer was operated for the slide clearance purpose of Constitution of Don Bosco School at shelling which is a Pvt. Work, thereby committed gross misconduct.</p>	
20.	<p>RC.I(A) /98-ACU.1.</p> <p>1. Inder Bir Singh Uppal, Capt. (Retd)</p> <p>It is alleged that accused public servants entered into were parties to a criminal conspiracy during the year 1994-97 with Sh. Anil Kumar Rane (pvt. Person) with the object to cheat the Controller of Defence Accounts (Govt. of India) and to show undue favour to Sh. Anil Kumar Rane in the matter of passing of bogus and forged bills relating to supply of different materials like fax machine, projector and other electronics equipments etc. purported to have been made to Ministry of Defence and thereby caused pecuniary gain of Rs. 8,18,05,575/- to the private party and/or to themselves and corresponding loss to the Controller of Defence Accounts (HQ) (Govt. of India) by dishonestly/fraudulently processing the bogus/forged bills of the concerned accused bogus supplier. Further, in pursuance to the said criminal conspiracy the accused persons abused their official position to cause favour to the private person and consequent loss to the Controller of Defence Accounts (HQ) (Govt. of</p>	<p>The investigation has been completed.</p>	<p>The investigation has been completed. The allegations have been proved. Investigation report for obtaining sanctions for prosecution in respect of Lt. Col. (Rtd) PRS Rao and other serving public servant is under examination.</p>	<p>Sanction for prosecution in respect of the officers involved has been accorded.</p>

	India).			
21.	<p>RC.2(A)/98-ACU.1,</p> <p>1.Sh. Harbans Lal Gulati, S/o Late Sh. C.R. Gulati, Sr. Accounts Officer, CDA(HQ), New Delhi.</p> <p>Sh. Stephen George, S/o Late George, Asstt. Accounts Officer, CDA(HQ) , New Delhi.</p> <p>Lt. Col. Pakki Ram Shankar Rao s/o Sh. Late Sh. Pakki Surya Prakash Rao (Retd Lt. Col.), R/o 53, Vijay Puri Housing Colony, New ECIL Post, Secunderabad.</p> <p>The accused public servants in the year 1994 entered into/were parties to a criminal conspiracy with Sh. Rahul Dutt (Private person) with the object to cheat the Controller of Defence Accounts ( Govt. of India) and to show undue favour to Sh. Rahul Dutt in the matter of passing of bogus and forged bills relating to supply of different materials to Army Headquarters, caused pecuniary gain of Rs. 19,62,869/- to the private party/themselves and corresponding loss to the Controller of Defence Accounts (HQ) (Govt. of India), by dishonestly /fraudulently passing the bogus/forged bills of the concerned accused supplier. Further, in pursuance to the said criminal conspiracy the accused persons abused their official position to cause favour to the private person and consequent loss to the Controller of Defence Accounts (HQ) (Govt. of India).</p>	<p>The investigation of this case has been completed and charge sheet has been filed on 9.9.99 in the Court of Spl. Judge , Delhi.</p>	<p>The investigation has been completed. The allegations have been proved and a charge sheet has been filed on 9.9.99 in the Court of Spl. Judge , Delhi.</p>	<p>The case is pending trial in the Court.</p>
22.	<p>PE.1/98-SIC.IV Dt. 7.1.98 (converted into RC. 7(8)/98- SIC.IV/New Delhi on 14.5.98)</p> <p>The probe was being made for tracing Flt. Lt. Sonam Namgyal.</p> <p>During the course of investigation, no evidence regarding the involvement of Sqn. Leader Paraskar in the missing of F.t. Lt. Sonam Namgyal was found . However both escorts namely Sqn. Leader V.P.</p>	<p>Periodically Status Report were submitted to the Hon'ble High Court and the last status Report was submitted on 11.5.99 to the effect that in spite of all the efforts made during investigation, no clue leading to the tracing of</p>	<p>During year long investigation whereabouts of Flt. Lt. Sonam Namgyal could not be ascertained, nor could his dead body be traced in spite of the best efforts made by the inquiry Officer. The photograph of missing Namgyal were published in the leading newspapers</p>	<p>The case is pending in the High Court for final orders.</p>

	Parasker and Flt. Lt. K. Apte, was found negligent.	Namgyal could be found out. The Status Report is pending disposal in the Court.	and also telecasted in the media. A reward of Rs. One Lac was declared by the DCBI for finding clue to the tracing of Namgyal but to no avail.	
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**Details of defence Officers facing the CBI orders an on date alongwith the reason thereof.**

<b>Name &amp; Designation</b>	<b>Role /Activities</b>
<p>IC 27022 H Col. A.K. Lal, Commanding Officer 18<sup>th</sup> Bn. The Punjab Regt. C/o 99 APO.</p>	<p>He was Commanding Officer of the 18<sup>th</sup> Bn. Punjab Regiment posted at H.Q atg Tinsukia. Raids were conducted by the Army &amp; 9 persons were picked up by the Army and he was the Commanding Officer in Charge of entire operation. He had planned the so called operation at Dibru-Saikhowa Reserve Forest, known as OP HAYSTACK. Accompanied by army team to the Reserve Forest for the purpose of eliminating 5 persons. Picking up 9 youths, assaulting/torturing them to extract confessions or information by wrongfully confining them at ManabKalyan Bhawan. Tinsukia and Dholla Army Camp was definitely with his knowledge and he was abetted this. Firing upon 5 youths somewhere at Dibru Saikhowa R.F. was made with his full knowledge &amp; support. He has tried to wipe out all evidences.</p>
<p>IC 4776 Capt. Thomas Mathew Ex-Major 18<sup>th</sup> Bn. Punjab Regt. Coy Commander B-Coy.</p>	<p>He was the Coy. Commander of `A` Coy and posted at Dholla Camp and also in-charge of Dholla Army Camp. The 9 youths were physically assaulted in Dholla Army Camp from 17.2.94 to 21.2.94 and this can not be without his knowledge &amp; consent. The area around Dholla from where the persons were picked up was under his jurisdiction and lifting must have been made either with his direct involvement or with his full support and consent. Firing upon 5 youths were made in his presence and on his instruction. He haded over 5 victims to Doom Dooma P.S. which indicates his direct knowledge about the incident. He handed over AK-47 rifle ammunition etc. Other than that he lodged the U.D. case FIR on previous day which indicates his involvement directly with the incident. He has abetted the Offences of kidnapping &amp; killing etc.</p>
<p>3.IC 50772 Capt. R.K. Shivrain of 18<sup>th</sup> Bn. Punjab Regt.</p>	<p>He fired 30 rounds from his Carbine on 5 victims and tried to conceal the fact by giving an evasive account.</p>

## **DETAILS OF FINDINGS OF THE CBI SO FAR OBSERVED IN THE INQUIRIES.**

### **FINDINGS**

The CBI enquiry has revealed that between 17<sup>th</sup> to 19<sup>th</sup> February, 1991 there were number of raids and search (operations by the army mainly by the personnel of 18<sup>th</sup> Punjab) in Tinsukia District against militants (mainly by the 18<sup>th</sup> Punjab) During this operation 9 young persons by name 1) Shri Prabin Sonowal, 2) Shri Akhil Sonowal, 3) Shri Debajit Biswas, 4) Shri Gunin Hazarika, 5) Shri Pradeep Dutta, 6) Shri Manoranjan Das, 7) Shri Bhaben Moran, 8) Shri Prakash Sharma and 9) Shri Moteswar Moran who were living around Doom Dooma Police Station area, were picked up by the army at different points of time from their respective houses/offices, witnessed by a number of persons including their near and dear ones. Evidences collected during the enquiry revealed that after being picked up from their houses they were taken in army vehicles to a nearby army camp(s). However, the army personnel who took away these young persons have not been identified except the fact that they were army personnel and they were mostly 'sikhs'. The 4 survivors have stated that it is very difficult to identify the so called army kidnapers who were all looking same in their uniform. Army authorities during the enquiry did not admit the lifting of these 9 persons by them, though they admitted of various raids & searches in Tinsukia district.

After being taken into custody these 9 persons were physically assaulted/tortured by the army personnel who kept them blind-folded. The survivors who had deposed before the CBI subsequently had neither seen the people who tortured them nor they had seen the 5 persons who were also taken by the army. They had only heard the screaming and weeping etc. of the persons while they were in the army camp.

The CBI enquiry had also revealed that the 5 persons by name 1) Shri Akhil Sonowal, 2) Shri Shri Bhaben Moran, 3) Shri Pradeep Dutta, 4) Shri Prabin Sonowal, 5) Shri Debajit Biswas were taken blind-folded by the army personnel into the Dibru-Saikhowa Reserve Forest on a ferry over Dangri river which was seen by a number of persons. There are neutral witnesses who have stated that they saw the army people returning back in the same way by crossing the river in the late evening hours carrying 5 dead bodies. Medico-legal evidences also point to the fact that the said 5 persons have been tortured by application of excessive force and have been shot/fired at from a close distance negating the 'encounter' theory of the army. The place of occurrence did not have any tell-tale sign of an encounter.

There are contradictions in the army versions in respect of blast affected injuries seen only on the body of one person. CBI enquiry further have revealed that the deceased are no way connected directly to ULFA and its activities. So, it is concluded that 9 persons mentioned above were picked up and were tortured. Out of them, 4 persons were tortured less and 5 persons were tortured by application of excessive physical force which has miscalcipated them for bare minimum walking. While they were in custody, some of the persons went to this Hon'ble Court and filed two Civil Rule petitions against the army authorities and while the petitions were not disposed of the dead bodies were produced by the army in the Doom Dooma Police Station.

Though there were two Magisterial Inquiries there were no clear findings in both of them. Present CBI enquiry as directed by this Hon'ble Court has revealed that 1) IC 27022 H Col. A.K. Lal, Commanding Officer 18<sup>th</sup> Bn. The Punjab Regt. C/o 99 APO. 2) IC 47776 Capt. Thomas Mathew Ex-Major 18<sup>th</sup> Bn. Punjab Regt. Coy Commander B-Coy. 3) IC 50772 Capt. R.K. Shivrain of 18<sup>th</sup> Bn. Punjab Regt. 4) JC.174914 Sub Dalip Singh of 18<sup>th</sup> Bn. Punjab Regt. 5) 2477695 NK Palwinder Singh of 18<sup>th</sup> Bn. Punjab Regt. 6) 2478543 L.NK. Shivender Singh, 18<sup>th</sup> Bn. Punjab Regt. And 7) 2478588 L.NK Jagdev Singh of 18<sup>th</sup> Bn. , Punjab Regt. are the persons responsible for the death of the deceased. However, during this enquiry, the persons who had actually taken the said 8 persons into custody including the deceased and the persons who tortured them physically in the camp were not clearly identified.